



CITY OF BLOOMFIELD, NEW MEXICO

Ordinance 490

AN ORDINANCE AMENDING ORDINANCE NO. 94 RELATING TO OFFENSES

WHEREAS, Chapter Eleven (11) of the Bloomfield Municipal Code governs Offenses.

WHEREAS, the City of Bloomfield desires to revise and update the following provisions within Chapter Eleven (11) of the Bloomfield Municipal Code.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLOOMFIELD THAT THE FOLLOWING REVISIONS AND ADDITIONS TO CHAPTER ELEVEN (11) OF THE BLOOMFIELD MUNICIPAL CODE BE IN FULL FORCE AND EFFECT UPON ADOPTION OF THIS ORDINANCE OTHER THAN THE CHANGES SET FORTH HEREIN, ALL OTHER PROVISIONS CONTAINED IN CHAPTER ELEVEN (11) REMAIN IN FULL FORCE AND EFFECT:

Sec. 11-52 - Idling, loitering or prowling.

- (a) No person shall loiter, idle or prowl in a place, at a time and in a manner that warrants alarm for the safety of persons or property in the vicinity.
- (b) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.
- (c) Unless flight by the actor or other circumstance makes it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.
- (d) No person shall be convicted of an offense under this section if the peace officer did not comply with subsection (c) of this section or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.
- (e) A person who commits idling, loitering or prowling is guilty of a misdemeanor.

Sec. 11-76 Disorderly house or social host.

(a) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Adult means any person 18 years of age or older.
2. Alcoholic beverage means any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages.
3. Commercial property means property used for retail, trade, or other business activities, including hall or meeting room, whether owned, leased, rented, or used without compensation, including contiguous properties.
4. Family gathering means a gathering where each underage person present is directly supervised by his or her parent or legal guardian.
5. Legal guardian is a person who is lawfully vested with the power and charged with the duty of taking care of an underage person.
6. Parent means any person who is a natural parent, an adoptive parent, a foster parent, or a step-parent.
7. Residence means a home, yard, apartment, condominium or other dwelling unit, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used without compensation, including contiguous properties, and/or any buildings, structures or other improvements situated thereon or affixed thereto.
8. Responsible person means an adult with or without a right of possession in the residence, commercial property, vacant property, or any other place open to the public on which an underage or unruly gathering is conducted, including, but not limited to:
 - a. The person who owns, rents, leases or otherwise has direct control of the premises;
 - b. A tenant or lessee of the premises;
 - c. Any other person in charge of the premises; and
 - d. The person who organizes or supervises or conducts the event or any other person(s) accepting responsibility for such a gathering.
9. Underage gathering means a party or gathering of two or more persons at a residence, commercial property, vacant property, or any other place open to the public, except a

family gathering, at which alcoholic beverages are being furnished to, consumed by or in possession of any underage person.

10. Underage person means any person under the age of 18 years.

11. Unruly gathering means a party or gathering of two or more persons at a residence, commercial property, vacant property, or any other place open to the public, except a family gathering, at which alcoholic beverages are being furnished to, consumed by or in possession of any underage person and where conduct is occurring that constitutes a substantial disturbance of the quiet enjoyment of private residence, other private or commercial property, or vacant property.

12. Unreasonable noise as defined by any provision contained in section 11-77;

(b) Violations.

1. It shall be unlawful for any person or persons to keep any disorderly house or to suffer any drunkenness, unreasonable noise, quarrelling, fighting, gambling or any riotous or disorderly conduct whatever on his premises or the premises under his direct possession or control, including vacant property.
2. A disorderly house consists of knowingly creating, performing or maintaining anything affecting any number of citizens, without lawful authority, which is either:
 - (a) Injurious to public health, safety or welfare, or
 - (b) Interferes with the exercise and enjoyment of public rights, including the right to use public property.
 - (c) It shall be a misdemeanor for any responsible person or persons to knowingly conduct, aid, allow, permit, or condone an underage or unruly gathering, at a residence, commercial property, vacant property, or any other place open to the public.
3. This section shall not apply to conduct involving the serving of alcoholic beverages that occurs exclusively between an underage person and his or her parent or legal guardian, as permitted by New Mexico state statute, 60-7B-1, NMSA 1978, or at a family gathering.
 - (d) Penalties. Upon conviction of this offense in section (b), the first offense shall be a minimum fine of \$150.00, for the second offense shall be a minimum fine of \$300.00 and for the third or subsequent offenses a fine of \$500.00 or imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

Except for the changes set forth above, the provisions of 11-52 and 11-76 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Passed, Approved, Signed and Adopted this 26 day of October 2020.



Cynthia Atencio
Cynthia Atencio, MAYOR

Crystal L. Martinez Hornberger
Crystal L. Martinez Hornberger, CITY CLERK